REMARKS

The Office Action mailed 15 June 2009 has been received and reviewed. Reconsideration of the present application in view of the following remarks is respectfully requested.

Official Notice[1]

Applicant hereby requests the Office to provide substantial evidence to support its factual findings and reasserts the challenges made against the Office's statements of "Official Notice" with respect to claims 9-13.

Rejections based on 35 U.S.C. § 103(a)

A) Applicable Authority

Title 35 U.S.C. § 103(a) declares, a patent shall not issue when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason—suggestions or motivations—found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior

[1] Applicant submits a continuing objection to the use of "Official Notice" for the reasons expressly noted in the response mailed 21 October 2008.

art reference teachings to produce the claimed invention. See *Application of Bergel,* 292 F.2d 955, 956-957 (CCPA 1961). Recently, the Supreme Court noted that the apparent reason to combine the elements in the fashion claimed by the [patent application] should be made explicit. *KSR v. Teleflex*, No. 04-1350, 550 U.S. 398 (2007).

B) Obviousness Rejections Based on U.S. Patent No. 7,149,797 (Weller) in view of U.S. Patent Publication No. 2002/0129375 ("Kim"), and U.S. Patent Publication No. 2006/0156357 ("Lockridge").

Claims 1-16, 20-21, 27-28, 30-31, 34-49, 52-54, 60-62, 64, 80-84, 87-89, 91-92 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weller in view of Kim, and Lockridge. Applicant respectfully traverses this rejection because the prior art, including Weller, Kim, and Lockridge fail to describe or suggest all elements of the inventions of amended independent claims 1 and 34.

Amended independent claim 1 recites a system for managing the transmission of distributable content. The system includes a collection engine and a content storage. The collection engine is configured to receive distributable content from at least one content provider based on a predetermined schedule and a usage demand for the distributable content via a first network and to process subscriber requests for the distributable content. The distributable content is configured to expire after a predetermined time and is transmitted to the collection engine from the at least one content provider after the collection engine receives a minimum number of subscriber requests for the distributable content from subscribers in a subscriber group. The content storage communicates with the collection engine to store the distributable content and to update the distributable content at specified intervals. In turn, the collection engine is configured to receive the subscriber requests over a second network to transmit the

requested content over the second network and to generate subscriber bills for transmission over the first network but not for transmission over the second network. The second network connects a subscriber group having a plurality of subscribers to a collection engine. The requested content is transmitted over the second network to viewing devices associated with the subscribers. The viewing devices are at least one of a computer, television, or a programmable video recording device.

Amended independent claim 1 requires, among other things, a "wherein the distributable content is configured to expire after a predetermined time and is transmitted to the collection engine from the at least one content provider after the collection engine receives a minimum number of subscriber requests for the distributable content from subscribers in a subscriber group; and the collection engine is configured to receive the subscriber requests from viewing devices over a second network connecting a subscriber group having a plurality of subscribers, to transmit the requested content over the second network to one or more viewing devices, and to generate subscriber bills for transmission over the first network but not for transmission over the second network for each subscriber in the subscriber group, wherein the viewing devices comprises at least one of a computer, a television, and a programmable video recording device." Applicant respectfully submits that the prior art, including Weller, Kim, and Lockridge, fail to describe or suggest each required element of amended independent claim 1.

The Office relies on Weller, at FIG. 1; col. 2, ll. 19-35; and cols. 6-7, in combination with Kim and Lockridge to render the invention of amended independent claim 1 unpatentable. Weller describes a network service provided that is able to share a content delivery network infrastructure maintained by a content delivery network service provider. The network service provider is able to provide a content provider with storage servers that are able

to distribute content based on the metadata associated with the content. The content metadata may be periodically updated to help control the availability of the content. However nothing in Weller describes the required feature of amended independent claim 1. For instance, as conceded by the Office, Weller fails to describe or suggest the distributable content is configured to expire after a predetermined time and is transmitted to the collection engine from the at least one content provider after the collection engine receives a minimum number of subscriber requests for the distributable content from subscribers in a subscriber group. Moreover, nothing in Weller describes a collection engine configured to generate subscriber bills for transmission over the first network but not for transmission over the second network for each subscriber in the subscriber group. Rather, Weller describes invoicing the network service provider on a periodic bass. The network service provider is not the subscriber as required by amended independent claim 1. Weller notes that content delivery network service provider (CDNSP) may bill the network service provider customers for services provided by the to customer via the infrastructure of the CDNSP. This merely describes billing the customer for use of the network and billing the customer for any overflow usage when the NSP's "small" network is unavailable because it is unable to handle the request volume. Accordingly, nothing in Weller describes or suggests generating subscriber bills for transmission over the first network but not for transmission over the second network for each subscriber in the subscriber group.

The Office contends that Kim and Lockridge remedy the deficiencies of Weller. Kim, at FIG. 4; paragraphs [0066], and [0070], describe populating a user's set top box based on the individual user's preference and populating a central office storage server (COS) based on all of the user's preferences. Kim also describes a video ware house that store all titles in memory with a weighted ranking factor that is based on the number of views. Videos are archived and

removed from the VW when a video has few views and that weighted ranking factor is below a cutoff. The cutoff is the total videos on the VW server minus the total number of all-time-favorite and new release videos. Additionally, Kim describes updating each COS with a list of popular titles by analyzing the community interest records to determine which videos to include in the list. Nothing in Kim describes distributable content is configured to expire after a predetermined time. Additionally, Kim fails to describe a content provider that transmits the distributable content to the collection engine after the collection engine receives a minimum number of subscriber requests for the distributable content from subscribers in a subscriber group. Rather Kim describes generating list that include titles based on previous viewing habits. Nothing in Kim suggests a collection engine that receives a minimum number of subscriber requests for the distributable content from subscribers in a subscriber group prior to transmitting the distributable content from the content provider to the collection engine. Kim also fails to describe or suggest to generating subscriber bills for transmission over the first network but not for transmission over the second network for each subscriber in the subscriber group.

The Office relies on Lockridge to remedy the deficiencies of Weller and Kim. Lockridge, at paragraphs [0022], [0025], and [0028], describes a billing process where a client is charged a fee when the client does not have a subscription, and the client is not charged a fee when the client has a subscription. Lockridge also describes a mini-head end unit that removes programs that are not viewed by a predetermined number of clients within a predetermined number of time. Lockridge like Kim, merely describes, culling the storage space based on previous client requests. Contrary to the Office's allegations, Weller, Kim, and Lockridge do not describe or suggest distributable content is configured to expire after a predetermined time. Additionally, Lockridge fails to describe a content provider that transmits the distributable

content to the collection engine after the collection engine receives a minimum number of subscriber requests for the distributable content from subscribers in a subscriber group. Rather, Lockridge describes removing content from a storage space based on the number of previous requests within a period of time. Nothing in Lockridge suggests a collection engine that receives a minimum number of subscriber requests for the distributable content from subscribers in a subscriber group prior to transmitting the distributable content from the content provider to the collection engine. Lockridge also fails to describe or suggest to generating subscriber bills for transmission over the first network but not for transmission over the second network for each subscriber in the subscriber group.

Unlike Weller, Kim, and Lockridge, alone and in combination, the invention of amended independent claim 1 requires, among other things, distributable content that is configured to expire after a predetermined time and that is transmitted to the collection engine from the at least one content provider after the collection engine receives a minimum number of subscriber requests for the distributable content. The collection engine is also configured to receive the subscriber requests over a second network to transmit the requested content over the second network and to generate bills for transmission over the first network but not for transmission over the second network. Applicant respectfully submits, Weller, Kim, and Lockridge fail to describe or suggest the invention of amended independent claim 1. Accordingly, for at least the above reasons, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of amended independent claim 1.

Dependent claims 2-16, 20-21, 27-28, and 30-31 further define novel features of the invention of amended independent claim 1 and each depend, either directly or indirectly, from amended independent claim 1. Accordingly, for at least the reasons set forth above with

respect to amended independent claim 1, dependent claims 2-16, 20-21, 27-28, and 30-31 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. 1.75(c). As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of dependent claims 2-16, 19-21, and 23-31.

Amended independent claim 34 recites a method for managing the transmission of distributable content. Requests from subscribers in a subscriber group are received and distributable content from at least one content provider is received via a first network based on the subscriber requests. The distributable content comprises a subset of the distributable content corresponding to requests from subscribers in the subscriber group. The distributable content is received from the at least one content provider on a usage demand basis after a minimum number of different subscribers in the subscriber group requests the distributable content and an appropriate fee is applied by the content provider for each subscriber request. In turn, the distributable content is stored in content storage remote from a viewing device of each subscriber in the subscriber group. The distributable content is transmitted to the viewing device via a second network, wherein the distributable content is configured to expire after a predetermined time, from the content storage to the viewing device associated with a subscriber that requested to receive the distributable content at scheduled times on a pay-per-use basis.

Amended independent claim 34 requires, among other things, "the distributable content is received from the at least one content provider on a usage demand basis after a minimum number of different subscribers in the subscriber group request the distributable content and an appropriate fee is applied by the content provider for each request." Applicant respectfully submits that the prior art, including Weller, Kim, and Lockridge, fail to describe or suggest the required elements of amended independent claim 34.

Weller, Kim, and Lockridge each describe video distribution systems. Weller describes a network service provider that is able to share a content delivery network infrastructure maintained by a content delivery network service provider; Kim describes updating each COS with a list of popular titles by analyzing the community interest records to determine which videos to include in the list; and Lockridge describes removing content from a storage space based on the number previous requests within a period of time. The prior art, including Weller, Kim, and Lockridge, alone or in combination, fail to describe or suggest the distributable content is received from the at least one content provider on a usage demand basis after a minimum number of different subscribers in the subscriber group request the distributable content.

Unlike Weller, Kim, and Lockridge, alone and in combination, amended independent claim 34 requires, among other things, distributable content is received from the at least one content provider on a usage demand basis after a minimum number of different subscribers in the subscriber group request the distributable content. Applicant respectfully submits, Weller, Kim, and Lockridge fail to describe or suggest the invention of amended independent claim 34. Accordingly, for at least the above reason, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of amended independent claim 34.

Dependent claims 35-49, 52-54, 60-62, and 64 further define novel features of the invention of amended independent claim 34 and each depend, either directly or indirectly, from amended independent claim 34. Accordingly, for at least the reasons set forth above with respect to amended independent claim 34, dependent claims 35-49, 52-54, 60-62, and 64 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. § 1.75(c). As such,

Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of dependent claims 35-49, 52-54, 60-62, and 64.

Independent claim 80 recites a computer readable medium, the computer readable medium being readable by a computer to execute a method of managing the transmission of distributable content. The computer receives subscriber requests from subscribers in a subscriber group and receives distributable content from at least one content provider via a first network based on the subscriber requests, where the distributable content comprises a subset of the distributable content corresponding to requests from subscribers in the subscriber group. The distributable content is received from the at least one content provider on a usage demand basis corresponding to a total number of fees applied for different subscribers in the subscriber group that request the distributable content. The distributable content is stored in content storage remote from a viewing device of each subscriber in the subscriber group. In turn, the computer transmits to the viewing device via a second network the distributable content, where the distributable content is configured to expire after a predetermined time, from the content storage to the viewing device of a subscriber that requested to receive the distributable content at scheduled times.

Independent claim 80 requires, among other things, "the distributable content is received from the at least one content provider on a usage demand basis corresponding to a total number of fees applied for different subscribers in the subscriber group that request the distributable content." Applicant respectfully submits that the prior art, including Weller, Kim, and Lockridge, fail to describe or suggest the required elements of independent claim 80.

Weller, Kim, and Lockridge, each describe video distribution systems. Weller describes a infrastructure sharing system to handle overflow requests. Kim describes a central

office storage that stores popular movie titles based on previous request. Lockridge describes a process that culls storage space based on requests received during a specified time period. The prior art, including Weller, Kim, and Lockridge alone or in combination, fail to describe or suggest the distributable content is received from the at least one content provider on a usage demand basis corresponding to a total number of fees for the distributable content.

Unlike Weller, Kim, and Lockridge, alone and in combination, independent claim 80 requires, among other things, the distributable content is received from the at least one content provider on a usage demand basis corresponding to a total number of fees applied for different subscribers in the subscriber group that request the distributable content. Applicant respectfully submits, Weller, Kim, and Lockridge, fail to describe or suggest the invention of independent claim 80. Accordingly, for at least the above reason, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of independent claim 80.

Dependent claims 81-84, 87-89, and 91-92 further define novel features of the invention of amended independent claim 80 and each depend, either directly or indirectly, from independent claim 80. Accordingly, for at least the reasons set forth above with respect to independent claim 80, dependent claims 81-84, 87-89, and 91-92 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. 1.75(c). As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of dependent claims 81-84, 87-89, and 91-92.

C) Obviousness Rejections Based on Weller in view of Kim, Lockridge, and U.S. Patent Publication No. 2004/0010717 ("Simec").

Claims 23-24 and 56-57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weller in view of Kim, Lockridge, and Simec. Applicant respectfully

traverses this rejection because the prior art, including Weller, Kim, Nomura, Lockridge, and Simec fail to describe or suggest all elements of the inventions of amended independent claims 1 and 34.

Claims 23, 24, 56, and 57 depend from amended independent claims 1 and 34. As discussed above, Buxton, Kim, Nomura, and Lockridge fail to describe or suggest all the elements of amended independent claims 1 and 34. Accordingly, claims 23, 24, 56, and 57 are patentable over Buxton, Kim, Nomura, and Lockridge for at least the above-cited reasons. The addition of Simec fails to cure the deficiencies of Buxton, Kim, Nomura, and Lockridge with respect to the elements of amended independent claims 1 and 34. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of dependent claims 23, 24, 56, and 57.

D) Obviousness Rejections Based on Weller in view of Kim, Lockridge, Simec, and U.S. Patent Publication No. 2003/0204856 ("Buxton").

Claims 25-26, 29, 58-59, and 65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weller in view of Kim, Lockridge, Simec, and Buxton. Applicant respectfully traverses this rejection because the prior art, including Weller in view of Kim, Lockridge, Simec, and Buxton fail to describe or suggest all elements of the inventions of amended independent claims 1 and 34.

Claims 25-26, 29, 58-59, and 65 depend from amended independent claims 1 and 34. As discussed above, Weller in view of Kim, and Lockridge fail to describe or suggest all the elements of amended independent claims 1 and 34. Accordingly, claims 23, 24, 56, and 57 are patentable over Weller in view of Kim, and Lockridge for at least the above-cited reasons. The addition of Simec and Buxton fails to cure the deficiencies of Weller in view of Kim, and

Lockridge with respect to the elements of amended independent claims 1 and 34. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of dependent claims 25-26, 29, 58-59, and 65.

E) Obviousness Rejections Based on Weller, Kim, U.S. Patent No. 7,254,622 ("Nomura"), and U.S. Patent Publication No. 2003/0005454 ("Rodriguez").

Claims 93-98, 102, and 104-106, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weller, Kim, Nomura, and Rodriguez. Applicant respectfully traverses this rejection because the prior art, including Weller, Kim, Nomura, and Rodriguez, fail to describe or suggest all elements of the invention of amended independent claims 93.

Amended independent claim 93 is a system for receiving a transmission of distributable content. The system includes a viewing device and a local storage. The viewing device having a graphical user interface that generates requests to receive distributable content, including videos, audio, and software, from a collection engine having a content storage device storing distributable content received from at least one content provider. The viewing device receives distributable content that is configured to expire after a predetermined number of uses. The local storage associated with the viewing device stores the distributable content. The viewing device is configured to present a list of distributable content that is dynamically updated to include popular distributable content based on fees—as applied by the content provider—associated with the distributable content stored in the content storage.

Amended independent claim 93 requires, among other things, "a local storage associated with the viewing device to store the distributable content, the viewing device is configured to present a list of distributable content that is dynamically updated to include popular distributable content based on fees associated with the distributable content stored in the content

storage as applied by the content provider." Applicant respectfully submits that the prior art, including Buxton, Kim, Lockridge, Nomura, and Rodriguez fails to describe or suggest the required elements of independent claim 93.

Weller, Kim, Lockridge, Nomura, and Rodriguez each describe video distribution systems. Weller describes a infrastructure sharing system to handle overflow requests. Kim describes a central office storage that stores popular movie titles based on previous request. Lockridge describes a process that culls storage space based on requests received during a specified time period. Nomura describes a VOD system that processes user requests for content. Rodriguez describes a user interface for purchasing multimedia content. The prior art, including Weller, Kim, Lockridge, Nomura, and Rodriguez, alone or in combination, fail to describe or suggest a local storage associated with the viewing device to store the distributable content, the viewing device is configured to present a list of distributable content that is dynamically updated to include popular distributable content based on fees associated with the distributable content stored in the content storage.

Unlike Weller, Kim, Lockridge, Nomura, and Rodriguez, the invention of amended independent claim 93 requires, among other things, a local storage associated with the viewing device to store the distributable content, the viewing device is configured to present a list of distributable content that is dynamically updated to include popular distributable content based on fees associated with the distributable content stored in the content storage as applied by the content provider. Accordingly, for at least the above reason, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of amended independent claim 93.

Dependent claims 94-98, 100-102, and 104-106 further define novel features of the invention of amended independent claims 93, and each depend, either directly or indirectly,

from amended independent claim 93. Accordingly, for at least the reasons set forth above with respect to amended independent claim 93, dependent claims 94-98, 100-102, and 104-106 are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. 1.75(c). As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of dependent claims 94-98, 100-102, and 104-106.

F) Obviousness Rejections Based on Weller, Kim, Rodriguez, Simec, and Nomura.

Claims 100-101 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weller, Kim, Rodriguez, Simec, and Nomura. Applicant respectfully traverses this rejection because the prior art, including Weller, Kim, Rodriguez, Simec, and Nomura fail to describe or suggest all elements of the invention of amended independent claim 93.

Claims 100-101 depend from amended independent claim 93. As discussed above, Weller, Kim, Lockridge, Nomura, and Rodriguez fail to describe or suggest all the elements of amended independent claims 1 and 34. Accordingly, claims 100-101 are patentable over Weller, Kim, Lockridge, Nomura, and Rodriguez for at least the above-cited reasons. The addition of Simec fails to cure the deficiencies of Weller, Kim, Lockridge, Nomura, and Rodriguez with respect to the elements of amended independent claim 93. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of dependent claims 100-101.

G) Obviousness Rejections Based on Weller, Rodriguez, and Lockridge.

Claims 107-108, 110, and 113 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weller, Rodriguez, and Lockridge. Applicant respectfully traverses this

rejection because the prior art, including Weller, Rodriguez, and Lockridge fail to describe or suggest all elements of the invention of independent claim 107.

Independent claim 107 is a method for managing the receipt of distributable content. A network is connected to communicate with content storage. The content storage storing distributable content received from at least one content provider, wherein the distributable content is configured to expire after a predetermined time. In turn, a user interface is presented to permit the subscriber to selectively receive the distributable content, wherein the user interface provides a list of distributable content that is dynamically updated to include popular distributable content based on fees associated with the popular distributable content stored on the content storage, as applied by the content provider.

Independent claim 107 requires, among other things, "presenting a user interface to permit a subscriber to selectively receive the distributable content, wherein the user interface provides a list of distributable content that is dynamically updated to include popular distributable content based on fees associated with the popular distributable content stored on the content storage as applied by the content provider." Applicant respectfully submits that the prior art, including Weller, Rodriguez, and Lockridge, fails to describe or suggest all required elements of independent claim 107.

Weller, Rodriguez, and Lockridge each describe video distribution systems. Weller describes a infrastructure sharing system to handle overflow requests. Lockridge describes a process that culls storage space based on requests received during a specified time period. Rodriguez describes a user interface for purchasing multimedia content. The prior art, including Buxton, Kim, Lockridge, Nomura, and Rodriguez, alone or in combination, fail to describe or suggest presenting a user interface to permit a subscriber to selectively receive the

distributable content, wherein the user interface provides a list of distributable content that is dynamically updated to include popular distributable content based on fees associated with the popular distributable content stored on the content storage.

Unlike Weller, Rodriguez, and Lockridge, the invention of independent claim 107 requires, among other things, presenting a user interface to permit a subscriber to selectively receive the distributable content, wherein the user interface provides a list of distributable content that is dynamically updated to include popular distributable content based on fees associated with the popular distributable content stored on the content storage as applied by the content provider. Weller, Rodriguez, and Lockridge, alone and in combination, fail to describe or suggest the elements of independent claim 107. Accordingly, for at least the above reason, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of independent claim 107.

Dependent claims 108, 110, 113, and 116-120 define novel features of the invention of independent claim 107, and each depend, either directly or indirectly, from independent claim 107. Accordingly, for at least the reasons set forth above with respect to independent claim 107, dependent claims 108, 110, 113, and 116-120are believed to be in condition for allowance by virtue of their dependency. See 37 C.F.R. § 1.75(c). As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of dependent claims 108, 110, 113, and 116-120.

H) Obviousness Rejections Based on Weller, Rodriguez, Lockridge, and Simec.

Claims 114-115 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weller, Rodriguez, Lockridge, and Simec. Applicant respectfully traverses this rejection

because the prior art, including Weller, Rodriguez, Lockridge, and Simec fail to describe or suggest all elements of the invention of independent claim 107.

Claims 114-115 depend from independent claim 107. As discussed above, Weller, Rodriguez, and Lockridge fail to describe or suggest all the elements of amended independent claims 114-115. Accordingly, claims 114-115 are patentable over Weller, Rodriguez, and Lockridge for at least the above-cited reasons. The addition of Simec fails to cure the deficiencies of Weller, Rodriguez, and Lockridge with respect to the elements of independent claim 107. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection and allowance of dependent claims 114-115.

I) Obviousness Rejections Based on Weller, Kim, Lockridge, Rodriguez, Simec, and Nomura.

Claims 135, 136, 144, and 146-148 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weller, Kim, Lockridge, Rodriguez, Nomura, and Simec. Applicant respectfully traverses this rejection because the prior art, including Weller, Kim, Lockridge, Rodriguez, Nomura, and Simec fail to describe or suggest all elements of the invention of independent claim 135.

Independent claim 135 recites a computer-readable medium, the computer-readable medium being readable by a computer to execute a method for managing the receipt of distributable content. Communicating with remote content storage over a connected network, the content storage storing distributable content received from at least one content provider for transmission to a subscriber within a subscriber group, wherein the distributable content is configured to expire after a predetermined number of uses. A user interface is presented to permit the subscriber to selectively receive the distributable content, wherein the user interface

provides a list of distributable content that is dynamically updated to include popular distributable content based on fees generated by the content provider of the popular distributable content, presents selectable options to permit the subscriber to choose to receive the popular distributable content at selected times on a pay-per-uses basis, presents selectable options to permit the subscriber to choose to receive the popular distributable content as a background task, and presents a security dialog to receive a key to authorize the subscriber to view the popular distributable content. In turn, an output is generated having popular distributable content to view on a viewing device having a local storage to store the distributable content, wherein reproduction of the popular distributable content stored in local storage is controlled by a digital rights module.

Independent claim 135 requires, among other things, "presenting a user interface to permit the subscriber to selectively receive the distributable content, wherein the user interface provides a list of distributable content that is dynamically updated to include popular distributable content based on fees generated by the content provider of the popular distributable content, presents selectable options to permit the subscriber to choose to receive the popular distributable content at selected times on a pay-per-uses basis, presents selectable options to permit the subscriber to choose to receive the popular distributable content as a background task, and presents a security dialog to receive a key to authorize the subscriber to view the popular distributable content." Applicant respectfully submits that the prior art, including Weller, Kim, Lockridge, Rodriguez, Nomura, and Simec fail to describe or suggest all required elements of independent claim 135.

Weller, Kim, Lockridge, Rodriguez, Nomura, and Simec each describe video distribution systems. Weller describes a infrastructure sharing system to handle overflow

requests. Kim describes a central office storage that stores popular movie titles based on viewing habits. Lockridge describes a culling storage space based on viewing frequencies. Rodriguez describes a user interface for purchasing multimedia content. Nomura describes an online movie rental/purchase system. Simec describes a content protection system for rendering multimedia content. The prior art, including Weller, Kim, Lockridge, Rodriguez, Nomura, and Simec, alone or in combination, fail to describe or suggest presenting a user interface to permit the subscriber to selectively receive the distributable content, wherein the user interface provides a list of distributable content that is dynamically updated to include popular distributable content based on fees generated by the content provider of the popular distributable content.

Unlike Weller, Kim, Lockridge, Rodriguez, Nomura, and Simec the invention of independent claim 135 requires, among other things, presenting a user interface to permit the subscriber to selectively receive the distributable content, wherein the user interface provides a list of distributable content that is dynamically updated to include popular distributable content based on fees generated by the content provider of the popular distributable content. Weller, Kim, Lockridge, Rodriguez, Nomura, and Simec alone and in combination, fail to describe or suggest the elements of independent claim 135. Accordingly, for at least the above reason, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of independent claim 135.

Dependent claims 144 and 146-148 define novel features of the invention of independent claim 135, and each depend, either directly or indirectly, from independent claim 135. Accordingly, for at least the reasons set forth above with respect to independent claim 135, dependent claims 144 and 146-148 are believed to be in condition for allowance by virtue of

their dependency. See 37 C.F.R. 1.75(c). As such, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of dependent claims 144 and 146-148.

CONCLUSION

For at least the reasons stated above, the pending claims are now in condition for allowance. Applicant respectfully requests withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned to resolve the same.

Respectfully submitted,

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